

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

GORDON J. COBURN and STEVEN
SCHWARTZ

Hon. Michael E. Farbiarz
Criminal No. 19-120 (MEF)

**NOTICE OF MOTION TO QUASH
DEFENDANTS' SUBPOENA TO
TESTIFY**

PLEASE TAKE NOTICE that nonparty Debevoise & Plimpton LLP, on its own behalf and on behalf of David A. O'Neil and any other partner, retired partner, or other Debevoise attorney who may be called to testify (collectively, "Debevoise") hereby moves, at such time as the Court determines, before the Honorable Michael E. Farbiarz, United States District Judge for the District of New Jersey, for an Order pursuant to Rule 17 of the Federal Rules of Criminal Procedure quashing the third-party testimony subpoena (the "Testimony Subpoena") dated April 15, 2024 and prepared by Gordon Coburn and Steven Schwartz (collectively, "Defendants") in connection with a lawsuit pending in the United States District Court of New Jersey captioned *United States of America v. Gordon J. Coburn & Steven Schwartz*, Case No. 19-120 (D. NJ).

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Debevoise respectfully relies upon the Memorandum of Law in Support of Nonparty Debevoise's Motion to Quash Defendants' Subpoena to Testify (the "Memorandum of Law") and the Declaration of Philip Rohlik in Support of Nonparty Debevoise's Motion to Quash Defendants' Subpoena to Testify dated June 7, 2024 (the "Rohlik Declaration"), and the exhibits annexed thereto.

PLEASE TAKE FURTHER NOTICE that, in accordance with the Court's Electronic Case Filing Policies and Procedures, 10(b), Debevoise is filing an unredacted copy of the aforementioned materials with the Court under seal, and serving upon Defendants the same. Debevoise is also filing on the public docket a copy of the aforementioned materials that redacts descriptions of information included in exhibits and declarations filed under seal, and descriptions of information previously filed under seal by Defendants.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order accompanies this motion.

Dated: New York, New York
June 7, 2024

Respectfully submitted,

/s/ Megan K. Bannigan
Megan K. Bannigan
DEBEVOISE & PLIMPTON LLP
66 Hudson Blvd
New York, NY 10001
(212) 909-6000
mkbannigan@debevoise.com

David O'Neil (not admitted to USDC-NJ bar)
Mark D. Flinn (not admitted to USDC-NJ bar)
DEBEVOISE & PLIMPTON LLP
801 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 383-8000
daoneil@debevoise.com
mflinn@debevoise.com

Philip Rohlik (not admitted to USDC-NJ bar)
DEBEVOISE & PLIMPTON LLP
13/F, Tower 1
Jing'an Kerry Centre
1515 Nanjing Road West
Shanghai 200040
86 21 5047 1800

prohlik@debevoise.com

*Counsel for Debevoise & Plimpton LLP, on its
own behalf and on behalf of David A. O'Neil
and any other partner, retired partner, or other
Debevoise attorney who may be called to testify*